

CIVIL COVER SHEET

11 CV 6474

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Colson H. Hillier, Jr., Colson H. Hillier, Jr. Rollover IRA, and
Patricia M. Hillier

DEFENDANTS

Bernard L. Madoff Investment Securities, LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jacobs Scholz & Associates, P.A., 961687 Gateway Blvd.,
Suite 201-I, Fernandina Beach, FL 32034 (904) 261-3693

ATTORNEYS (IF KNOWN)

Attorneys for Trustee: Baker Hostetler LLP
45 Rockefeller Plaza, NY NY 10111 (212) 589-4200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned Cotes

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date & Case No.

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

	TORTS		FORFEITURE/PENALTY		BANKRUPTCY	OTHER STATUTES
CONTRACT		PERSONAL INJURY				
	<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE
	<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT
	<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST
	<input type="checkbox"/> 140 NEGOTIABLE	SLANDER	<input type="checkbox"/> PRODUCT LIABILITY	SEIZURE OF	28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING
	<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL	PROPERTY		<input type="checkbox"/> 450 COMMERCE
	<input type="checkbox"/> 150 RECOVERY OF	EMPLOYERS'	INJURY PRODUCT	21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 460 DEPORTATION
	OVERPAYMENT &	LIABILITY	LIABILITY	<input type="checkbox"/> 630 LIQUOR LAWS		<input type="checkbox"/> 470 RACKETEER INFLU-
	ENFORCEMENT OF	<input type="checkbox"/> 340 MARINE	PERSONAL PROPERTY	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 820 COPYRIGHTS	ENCED & CORRUPT
	JUDGMENT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 830 PATENT	ORGANIZATION ACT
	<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 660 OCCUPATIONAL	<input type="checkbox"/> 840 TRADEMARK	(RICO)
	<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL	SAFETY/HEALTH		<input type="checkbox"/> 480 CONSUMER CREDIT
	DEFAULTED	PRODUCT LIABILITY	PROPERTY DAMAGE	OTHER	SOCIAL SECURITY	<input type="checkbox"/> 490 CABLE/SATELLITE TV
	STUDENT LOANS	<input type="checkbox"/> 360 OTHER PERSONAL	PRODUCT LIABILITY	LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 810 SELECTIVE SERVICE
	(EXCL VETERANS)	INJURY		<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 850 SECURITIES/
<input type="checkbox"/> 153 RECOVERY OF			STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	COMMODITIES/	
OVERPAYMENT OF			<input type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 864 SSID TITLE XVI	EXCHANGE	
VETERAN'S BENEFITS			RELATIONS	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 875 CUSTOMER	
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			<input type="checkbox"/> 730 LABOR/MGMT		CHALLENGE	
<input type="checkbox"/> 190 OTHER CONTRACT			REPORTING &	FEDERAL TAX SUITS	12 USC 3410	
<input type="checkbox"/> 195 CONTRACT PRODUCT			DISCLOSURE ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> 890 OTHER STATUTORY	
LIABILITY			<input type="checkbox"/> 740 RAILWAY LABOR ACT	Defendant)	ACTIONS	
<input type="checkbox"/> 196 FRANCHISE			<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 891 AGRICULTURAL ACTS	
			<input type="checkbox"/> 791 EMPL RET INC	26 USC 7609	<input type="checkbox"/> 892 ECONOMIC	
			SECURITY ACT		STABILIZATION ACT	
					<input type="checkbox"/> 893 ENVIRONMENTAL	
					MATTERS	
					<input type="checkbox"/> 894 ENERGY	
					ALLOCATION ACT	
					<input type="checkbox"/> 895 FREEDOM OF	
					INFORMATION ACT	
					<input type="checkbox"/> 900 APPEAL OF FEE	
					DETERMINATION	
					UNDER EQUAL ACCESS	
					TO JUSTICE	
					<input type="checkbox"/> 950 CONSTITUTIONALITY	
					OF STATE STATUTES	

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ OTHER JUDGE Cotes DOCKET NUMBER 11-CV-5683

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)**

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[] 1	[] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 3	[] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5	[] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Jacobs Scholz & Associates, LLC
Arthur I. Jacobs
Richard J. Scholz
961687 Gateway Blvd., Suite 201-I
Fernandina Beach, FL 32034
(904) 261-3693
Attorneys for Appellants Colson H. Hillier, Jr.; Colson H. Hillier, Jr. Rollover IRA; and Patricia M. Hillier

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

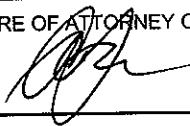
Appellee: Irving H. Picard, as Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
Baker & Hostetler, LLP
45 Rockefeller Plaza
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 08/26/11 SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

☒ NO
☐ YES (DATE ADMITTED Mo. _____ Yr. _____)
Attorney Bar Code # FL Bar 108249

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)